

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN LUIS ALMANZAR HERNANDEZ
(Petitioner)

v.

cr-360 (KMW)

Crim. Case No. 19-

UNITED STATES OF AMERICA,
(Respondent)

MEMO ENDORSED

**PETITIONER'S FIRST OFFICAL MOTION FOR "STATUS UPDATE" AND
REQUEST FOR THE COURT TO PROCEED PURSUANT TO FRAP WITH
PETITIONER'S MOST RECENT FILING DATED AUGUST 1, 2022, Dkt. # 111
(AND ALIKE)**

NOW COMES, Petitioner, Juan Luis Almanzar Hernandez (hereinafter "Petitioner or Mr. Hernandez"), acting *Pro se*, who moves this Honorable Court for the Southern District of New York (Second Circuit), to Grant Petitioner a "Status Update" on the (Open) record, (NOT UNDER SEAL); on whether Petitioner can proceed with answering the government's timely opposition brief filed July 16, 2022 (Dkt. # 109); and Petitioner states the following:

STATEMENT OF FACTS

- Mr. Hernandez filed a motion that has been placed under seal by the court with no explanation of why this has occurred. Mr. Hernandez now files a timely motion requesting and "Status Update" on why the document previously filed dated on August 1, 2022, (Dkt. # 111); has been placed unsealed; while at the same time, can this court officially rule if whether Mr. Hernandez can file his replay brief in support of his request for relief due to

the covid virus pandemic outbreak.

- Although, Mr. Hernandez's initial compassionate release is short; due to the fact, that he was designated for relocation to another federal facility at no fault of his actions, he did not have the access to files to file a complete and thorough request for relief. Furthermore, Mr. Hernandez would like the opportunity to file a response pursuant to the ***FRAP Rules*** and by way of the court order dated June 23, 2022 (Dkt. #108), where the court gave a scheduling notice that Mr. Hernandez did not receive until after the filing date granted by the court.
- Mr. Hernandez understands that he cannot file a further motion unless "Granted" permission by the court to do so, once he has missed the court ordered deadline, and thus, is why he has filed motion Dkt. # 111 (now under seal) and this supportive motion herein.

Wherefore, Petitioner Juan Luis Almanzar Hernandez, *Pro Se*, respectfully requests this Honorable Court to (GRANT) a "Status Update" ON HIS PREVIOUS FILED REQUEST for leave to allow Petitioner to file this motion within 30-days of this filing (Motion) in line with the court order already stated herein and because Mr. *Hernandez* was not given proper notice that he had to respond to the government's opposition brief filed July 16, 2022 (DTK. #109); and for any further relief the court deems appropriate in the Interest of Justice.

DATED: 15/August/2022

Respectfully Submitted,



Juan Luis Almanzar Hernandez, Pro se

Petitioner may submit his reply by December 12, 2022, after which time the motion will be considered fully submitted.

The docket entry at ECF No. 111 relates to Petitioner's medical records, submitted under seal as exhibits to the Government's letter in opposition. Petitioner's motion at ECF No. 107 is not under seal and remains accessible on the public record.

The Clerk is respectfully directed close the motion at ECF No. 113 and to mail a copy of this Order to Petitioner.

SO ORDERED.

Dated: New York, New York

October 12, 2022

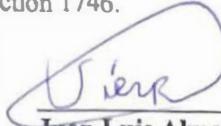
AFFIDAVIT

/s/ Kimba M. Wood

KIMBA M. WOOD

United States District Judge

I HEREBY CERTIFY that the foregoing facts are true and correct to the best of my knowledge under penalty as per 28 Section 1746.



Juan Luis Almanzar Hernandez, *Pro se*

CERTIFICATE OF SERVICE

15 I HEREBY CERTIFY that a copy of the foregoing motion was mailed this day of August 2022, by first class mail, postage pre-paid to the following:

Office of AUSA
Attn: Cecilia Vogel
The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007



— Juan Luis Almanzar Hernandez,
Pro se
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